

January 6, 1984

LB 377

options, that is not going to throw out the original test and result in a failure to convict.

SENATOR HABERMAN: So the committee amendments are changing the bill...changing what I just said so that it will have some substance?

SENATOR BEUTLER: Yes, well, yes, if I understand you correctly.

SENATOR HABERMAN: Thank you, Mr. President.

SPEAKER NICHOL: Senator Goodrich.

SENATOR GOODRICH: Would Senator Beutler answer a couple more questions. Chris, I am just curious, you are providing for these tests, the option of the test of blood or urine...

SENATOR BEUTLER: That is current law, Senator Goodrich.

SENATOR GOODRICH: Yes. You also are providing that the officer inform the DWI person or driver that they have the right to their own physician's, his opinion of their condition right now, where does that take place? I am thinking now of you are the police officer out there, you have stopped somebody, you have got him on the street, you are giving him a test, we will say, or you inform him at least that he has got the right to get his own doctor's opinion, now what does a police officer do with that person, where is that test given? Does he have to take them to the station, does he have to take them to a hospital, how do (interruption)?

SENATOR BEUTLER: I don't know what the practice is all around the state but here in Lincoln they come down to the station and the test is performed right in a room that is an annex to the jail basically here in Lincoln. I think almost every place they do it in that manner although it is not necessarily done in that manner and then the physician would come down and give this test (interruption).

SENATOR GOODRICH: If I am the person that is doing the DWI